

REMARKS

This Amendment is in response to the Office Action dated March 13, 2008, in which claims 1-14 were rejected. Applicants respectfully request reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. AMENDMENT TO CLAIM 14

Applicants respectfully request that the proposed formality amendment to claim 14 be entered to correct a typographical error in line 3.

This particular occurrence of the term “transmission device” was mistakenly not changed to “base station” as were other occurrences in the previous amendment.

The proposed amendment does not raise new issues or require a further search or any significant consideration beyond that already completed in response to the previous amendment.

II. CHEN, ITSELF, CONTRADICTS THE CLAIM REJECTIONS UNDER §103(a)

Claims 1, 4-5, 9, 11 and 12-14 are rejected under §103(a) as being allegedly unpatentable over Chen et al. (U.S. Publ. No. 2005/0059401).

The Examiner now combines the first and the second embodiments of Chen.

However, the reasoning proposed in the Office Action as to why it would have been obvious to combine the first and second embodiments of Chen, as described in the Office Action, is incorrect and contradicted by the Chen publication.

The Examiner considers that in a first embodiment, Chen discloses communication using a first communication mode based on a single carrier modulation, and in second embodiment, Chen teaches changeover to a second communication mode using multiple carriers modulation.

Applicants respectfully disagree and consider that Chen is not relevant toward the claimed invention, as already argued in our responses to the previous Office Actions.

A. **Chen Does Not Disclose or Suggest the Claimed Elements**

Indeed, according to Chen, the first embodiment (figures 5, 6 and 7) the mobile communicates with the base stations BS1D and BS1E using a single carrier modulation, and then

communicates with the base station BS3B using a multiple carrier modulation.

According to Chen, in the second embodiment (as shown in figure 13), during the changeover, the mobile communicates with the base station BS3 (uplink) using a single carrier modulation, and the base station BS3 answers (downlink) using a multiple carrier modulation.

As a consequence, according to Chen, there is a changeover in the transmission protocol, i.e. the remote station changes from a single carrier transmission protocol to a multi-carrier transmission protocol, only when the mobile communicates with a new base station. Chen tries to solve the problem of handoffs between base stations.

According to Chen, it is thus not possible to set up a communication between the base station and the receiving terminal using a first communication mode based on a single carrier modulation, and then change to a second communication mode based on a multiple carrier modulation to transfer data (high speed data) between the same base station and the receiving device.

In other words, in Chen, a communication must be set up with a first base station, using a single carrier modulation, and then a handover from the first base station to a second base station (which can handle multiple carrier) must occur to enable the transmission of (high speed) data.

Thus Chen does not disclose the claimed invention or provide a person of ordinary skill in the art with any reason to try the communication modes and changeovers recited in Applicants' independent claims 1, 12, 13 and 14.

B. Chen Contradicts The Examiner's Reasoning

The Examiner concludes,

“Therefore, it would have been obvious to one of ordinary skill in the art to combine the first and second embodiments of Chen in order to provide a base station that supports multiple protocols as suggested by Chen at [0027]” (Emphasis added)

In contrast, Chen never makes such a suggestion. Rather, Chen suggests a problem to be solved is the handoffs between base stations. Specifically, the cited paragraph recites,

[0027] What is needed is a method and apparatus for performing handoff in a wireless telecommunication system that contains digital base stations, some of

which comply with a multi-carrier protocol and some of which are not multi-carrier compliant. (Emphasis added).

The paragraph cited by the Examiner therefore directly contradicts the Examiner's reasoning regarding obviousness and lacks any suggestion to combine the first and second embodiments as proposed by the Examiner.

C. Chen Does Not Disclose the Claimed "Signaling Information"

Further Chen does not disclose that a changeover from a first communication mode to a second communication mode is implemented according to at least one signaling information transmitted by the base station (the same base station for both modes) to the receiving terminal through the first communication mode.

This feature is already in claim 1 (last feature) and also in claims 12-14.

More precisely, according to Chen, a special message, called handoff message needs to be sent from a single carrier base station to a multi-carrier base station (paragraph 82).

For at least these reasons, the independent claims are new and non-obvious in view of Chen. In addition, Applicants incorporate by reference all of the arguments presented in Applicants' prior amendments.

Finally, dependent claims 2-3, 6-7, 8 and 10 are allowable with the allowance of independent claims 1 and 12-14. These claims are also believed to be new and non-obvious in view of Alard, Jou, Bohnke and Dolgonos.

Applicants therefore respectfully request that the rejections of claims 1-14 be withdrawn.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /David D. Brush/

David D. Brush, Reg. No. 34,557

Suite 1400

900 Second Avenue South

Minneapolis, Minnesota 55402-3319

Phone: (612) 334-3222 Fax: (612) 334-3312